

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

★FILED★

2017 NOV 29 PM 10: 31

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In Re:

SYMONOUS GRETA HARRIS

CLERK  
U.S. DISTRICT COURT  
Chapter 11  
AFTER HOURS DROP BOX

Case no: 1-17-44247 -CEC

Debtor,  
-----X

**SYMONOUS GRETA HARRIS OPPOSITION to Alleged Creditors JY SH  
Double Entendre ("JY") and Avenue Road LLC("ARL")**

Symonous Greta Harris firstly rebuts all presumption of law and hereby opposes the motion of alleged creditors JY SH Double Entendrel.p ("JY") and Avenue Road LLC ("ARL") motion to dismiss the bankruptcy with prejudice and for In rem relief with a 2 year bar as patently unconstitutional. Further it is an extraordinary remedy, it is extremely prejudicial to grantor/debtor and is an infringement of procedural and substantive due process pursuant to FRCP Rule 5.1, 42 U.S.C. section 1983.

- Aviva Francis attorney for alleged creditor JY SH Double Entendre ("JY") and Avenue Road LLC("ARL") WHO IS ASSOCATED WITH THE LAW FIRM OF Jacobowitz Newman Tversky LLP.
- Movants are seeking to make an issue of grantor's/debtor's two bankruptcy filings on the eve of scheduled two scheduled sales of the Nostrand property. Maybe I am missing something here but according to due process of law I am entitled to meaningful access to the courts. Therefore I have a right to petition or

U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK  
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engage in any forum to administer my affairs.

- Furthermore I am entitled to equal protection under the law in no way different than creditor may have a right to make protect any valid interest they may have.
- A motion for relief from the automatic stay must satisfy both substantive and procedural requirements. The substantive requirements are provided by 11 United States Code § 362(d). The procedural requirements, on the other hand, are imposed by the United States Constitution and the Federal Rules of Bankruptcy Procedure.
- Section 362(d) provides that relief from stay shall be granted "[0]n request of a party in interest." § 362(d). This is a substantive requirement, and it is relatively broad: many parties are 'parties in interest' for the purposes of § 362(d).
- But a party that seeks relief from stay must also be "the real party in interest" as required by Federal Rules of Civil Procedure, Rule 17(a)(1), applicable by way of Federal Rules of Bankruptcy Procedure, Rules 7017 (adversary proceedings), 9014 (contested matters). This Motion is a contested matter. Rule 9014 exceptions do not apply here, which means that the rules for adversary proceedings apply to contested matters, including the incorporation of Federal Rules of Civil Procedure, Rule 17, which states in pertinent part "Every action shall be

prosecuted in the name of the real party in interest."

- Of these considerations, two are of particular relevance to a party who invokes a court's authority to grant relief from the automatic stay under 11 U.S.C. § 362(d). See *id.* at 668–69. First, the party seeking relief "must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties." Valley Forge, 454 U.S. at 760 (citing Warth v. Seldin, 422 U.S. 490, 501 (1975); Gladstone, Realtors v. Village of Bellwood, 441 U.S. 91, 100 (1979); Duke Power Co. v. Carolina Environmental Study Group, Inc., 438 U.S. 59, 80 (1978); Singleton v. Wulff, 428 U.S. 106, 113–114 (1976)). Second, "the plaintiffs complaint [must] fall within 'the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.'" Valley Forge, 454 U.S. at 475 (citing Association of Data Processing Service Orgs. v. Camp, 397 U.S. 150, 153 (1970); Gladstone, 441 U.S. at 100; Duke Power Co., 438 U.S. at 80). Both of these considerations are incorporated into Rule 17's requirement that an action be prosecuted "in the name of the real party in interest." See Ensley v. Cody Resources, Inc., 171 F.3d 315, 320 (5th Cir. 1999).
- "Article III of the Constitution limits the "judicial power" of the United States to the resolution of "cases" and "controversies." Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, 454 U.S. 464, 484, (1982); see also Morrow v. Microsoft Corp. 499 F.3d 1332, 1339 (9th Cir. 2007). This

constitutional restriction is enforced by the minimum requirement that a "party who invokes the court's authority... show that he suffered some actual or threatened injury," Matter of Village Rathskeller, Inc., 147 B.R. at 668 (citing Valley Forge, 454 U.S. at 464), that the injury be "fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Morrow, 499 F.3d at 1339 (citing Hein v. Freedom Religion Found., Inc., --- U.S. ---, 127 S.Ct. 2553, 2555-56, 168 L.Ed.2d 424 (2007)). "These requirements have been described as the injury in fact, traceability, and redressability inquiries." Id. "An actual or threatened injury exists when a party's pecuniary interest may be affected by the outcome of a determination." Matter of Village Rathskeller, 147 B.R. at 668 (citing United States v. Little Joe Trawlers, Inc., 780 F.2d 158, 161 (1st Cir. 1986).

- The bankruptcy court is an administrative agency performing trust services. United States bankruptcy courts are courts created under Article I of the United States Constitution. The current system of bankruptcy courts was created by United States Congress in 1978, effective April 1, 1984. The Program is funded by the United States Trustee System Fund, which consists primarily of fees paid by parties and businesses invoking Federal bankruptcy protection.
- The district courts is an instrumentality of the United states thus making it a federal corporation pursuant to 28 U.S. Code § 3002 ,Paragraph 15 .
- See Panama R. Co. v. Curran, 256 F. 768, 771-72 (5th Cir. 1919) (citing Bank of

the United States v. Planters' Bank of Ga., 22 U.S. 904, 907-908 (1824)); Salas v. United States, 234 F. 842, 844-45 (2d Cir. 1916) **where the court held that;** ("When the United States enters into commercial business it abandons its sovereign capacity and is to be treated like any other corporation.").

- My voluntary petition acts as a contractual service fee based agreement with said instrumentality of the United states the bankruptcy court, which as aforementioned was created by congress. Congress enacted the following: The Contract Clause appears in the United States Constitution, Article I, section 10, clause 1. It states:
  -
- No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, **or Law impairing the Obligation of Contracts**, or grant any Title of Nobility.
- Therefore alleged creditors have failed to make a claim upon which the requested relief they ask can be granted.
- All presumptions are rebutted, I do not consent to their requested relief as said relief is an automatic relief for federal question and litigation under Title 42 U.S. Code § 1983 - Civil action for deprivation of rights.

- As set forth in this opposition, Movant is not a real party in interest, nor authorized real party and strict proof is required.
- Further as to alleged creditor claims of bad faith the facts are that debtor is a victim of not only ineffective assistance of counsel but law office failure on the part of prior counsel Audrey Thomas.
- The initial bankruptcy which was filed pro se was prepared by former counsel Audrey Thomas who was already retained to represent me. Under her guided direction she maintained that the initial filing should be filed pro se then then she would appear later in the case as my attorney. The filing or preparation of the chapter 11 was completed by Ms. Thomas. I am not familiar with the bankruptcy procedure I am just learning only because of the exigent circumstances that I am being faced with. Proof of a dated payment to Ms. Thomas can be presented upon demand.
- The experience with this attorney was extremely stressful and she did everything to in this case not help me but cast me in a bad light to the court. Between Ms. Audrey Thomas and the alleged creditor that seem to share the same vernacular in assassinating my character and intentions in this bankruptcy case. I have valid reasons that there is a degree of impropriety between the alleged creditor and Ms. Thomas. I shall present said evidence with leave of court under seal.
- All of alleged creditor's contention of bad faith is a result of extreme in effective assistance and misdirection of prior counsel. Debtor is now forced to proceed as

pro se and will require time to study and comply with the required rules of procedure.

- Debtor is unlearned in law and request that this court take judicial notice of cases, litigants have a statutory right, first embodied in the Judiciary Act of 1789, to represent themselves. Sufficient access to the courts, a right protected by the due process clause of the fourteenth amendment<sup>6</sup> and the first amendment, guarantees to all persons use of the judicial process to redress alleged grievances. In Baldwin County Welcome Center v. Brown 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196, 52 U.S.L.W. 3751. The held that

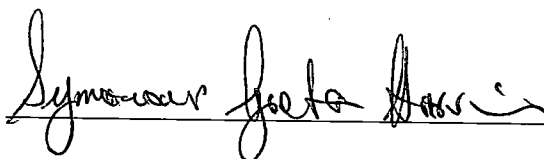
“Rule 8(f) provides that ‘pleadings shall be so construed as to do substantial justice.’ We frequently have stated that pro se pleadings are to be given a liberal construction.”

- For the reasons set forth above, the court should deny Movant's motion.

Alternatively, Debtor should be allowed to continue. All rights explicitly reserved without prejudice including the right to move for extension of time inter alia and thus said is asserted.

Dated: 11/29/17

Respectfully presented,



Symonous Greta Harris

1782 Nostrand Avenue  
Brooklyn, New York 11226  
(347) 998-7098



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In Re:

Chapter 11

Case No: 1-17-44247

SYMONOUS GRETA HARRIS

Debtor,

-----X

**MEMORANDUM OF DECLARATION OF TRUST**

**DECLARATION OF TRUST**

BY

Harris: Symonous, Greta as Grantor Trustor of the SYMONOUS GRETA HARRIS  
Bankruptcy Estate.

THIS DECLARATION OF TRUST was made by Harris: Symonous, Greta DBA  
SYMONOUS GRETA HARRIS of SYMONOUS GRETA HARRIS Bankruptcy Estate; and  
acting herein both as the "Grantor" and as the "Beneficiary/Creditor." The United States Trustee  
is declared the trustee under the United States Trustee Program and appropriate successor private  
estate trustees in the management and related administrative functions. As per the Bankruptcy  
Reform Act of 1978 (11 U.S.C. § 101, et seq.) and the bankruptcy administrator program of  
1986 established Congress. All accepted without prejudice rebutting all presumption of law.

**WITNESSETH:**

**WHEREAS**, that on August 16, 2017 I created a trust of certain property(s) for the benefit of myself, SYMONOUS GRETA HARRIS and others, such property being described in Schedule A attached hereto aka as 1782 Nostrand Avenue, Brooklyn New York and 191 Utica Ave, Brooklyn, New York and having been delivered this date to me as Trustee of the trust created hereunder; and,

**WHEREAS**, I or another person or persons may wish to add other property to the trust at a later date by gift, devise or by depositing such other property with me, as Trustee, or with any successor Trustee or Trustees; and,

**WHEREAS**, I am willing to perform the duties of Trustee in accordance with the terms and conditions and within the powers and limitations hereinafter set forth in the trust instrument aka as a " Voluntary Petition " attached herein as schedule "B"

**NOW, THEREFORE**, I agree to hold such property and any other property acceptable to me that any other person or persons may add to the trust by will or otherwise, all of which is hereinafter referred to as the "trust property," and to manage, invest and reinvest the same in trust for the following uses and purposes:

Governing Law. This instrument shall be construed and regulated in all respects by the laws of the State of New York under the EPTL; the Attorney General as Nominee/trustee and appointer of successor trustee. Private estate trustees, without prejudice, The bankruptcy administrator program of 1986 without prejudice, the U.S. trustee program in the Department of Justice without prejudice, the Bankruptcy Reform Act of 1978 (11 U.S.C. § 101, et seq.) without prejudice, in part The Executive Office for U.S. Trustees without prejudice ( , See 28 U.S.C. §§

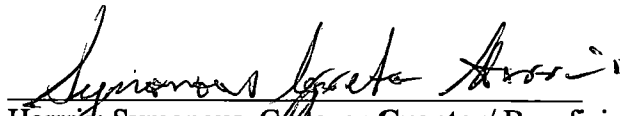
581-589a.)without prejudice, at 28 U.S.C. § 581, without prejudice, as funded by the United States Trustee System Fund consisting of fees which I paid invoking Federal bankruptcy protection.

This Trust shall be effective as of the date said instrument ( Voluntary Petition) instrument was filed

Signed and delivered in the presence of:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Witness



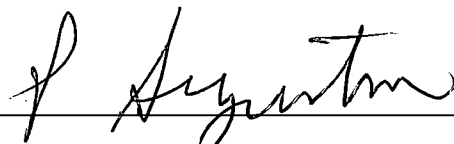
Harris: Symonous, Greta as **Grantor**/ Beneficiary of the **SYMONOUS GRETA HARRIS** Bankruptcy Estate.

STATE OF NEW YORK )

COUNTY OF <sup>ss</sup> Kings

This 29<sup>th</sup> day of November, 2017.

Personally appeared John B. Doe, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same, both as Grantor and as Trustee, for the purposes therein contained.



Notary Public

PIERRE A. AUGUSTIN  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01AUG154016  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES 10/23/2018 *PA*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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- But a party that seeks relief from stay must also be "the real party in interest" as required by Federal Rules of Civil Procedure, Rule 17(a)(1), applicable by way of Federal Rules of Bankruptcy Procedure, Rules 7017 (adversary proceedings), 9014 (contested matters). This Motion is a contested matter. Rule 9014 exceptions do not apply here, which means that the rules for adversary proceedings apply to contested matters, including the incorporation of Federal Rules of Civil Procedure, Rule 17, which states in pertinent part "Every action shall be

prosecuted in the name of the real party in interest."

- Of these considerations, two are of particular relevance to a party who invokes a court's authority to grant relief from the automatic stay under 11 U.S.C. § 362(d). See *id.* at 668–69. First, the party seeking relief "must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties." Valley Forge, 454 U.S. at 760 (citing Warth v. Seldin, 422 U.S. 490, 501 (1975); Gladstone, Realtors v. Village of Bellwood, 441 U.S. 91, 100 (1979); Duke Power Co. v. Carolina Environmental Study Group, Inc., 438 U.S. 59, 80 (1978); Singleton v. Wulff, 428 U.S. 106, 113–114 (1976)). Second, "the plaintiffs complaint [must] fall within 'the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.'" Valley Forge, 454 U.S. at 475 (citing Association of Data Processing Service Orgs. v. Camp, 397 U.S. 150, 153 (1970); Gladstone, 441 U.S. at 100; Duke Power Co., 438 U.S. at 80). Both of these considerations are incorporated into Rule 17's requirement that an action be prosecuted "in the name of the real party in interest." See Ensley v. Cody Resources, Inc., 171 F.3d 315, 320 (5th Cir. 1999).
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- Therefore alleged creditors have failed to make a claim upon which the requested relief they ask can be granted.
- All presumptions are rebutted, I do not consent to their requested relief as said relief is an automatic relief for federal question and litigation under Title 42 U.S. Code § 1983 - Civil action for deprivation of rights.



- As set forth in this opposition, Movant is not a real party in interest, nor authorized real party and strict proof is required.
- Further as to alleged creditor claims of bad faith the facts are that debtor is a victim of not only ineffective assistance of counsel but law office failure on the part of prior counsel Audrey Thomas.
- The initial bankruptcy which was filed pro se was prepared by former counsel Audrey Thomas who was already retained to represent me. Under her guided direction she maintained that the initial filing should be filed pro se then then she would appear later in the case as my attorney. The filing or preparation of the chapter 11 was completed by Ms. Thomas. I am not familiar with the bankruptcy procedure I am just learning only because of the exigent circumstances that I am being faced with. Proof of a dated payment to Ms. Thomas can be presented upon demand.
- The experience with this attorney was extremely stressful and she did everything to in this case not help me but cast me in a bad light to the court. Between Ms. Audrey Thomas and the alleged creditor that seem to share the same vernacular in assassinating my character and intentions in this bankruptcy case. I have valid reasons that there is a degree of impropriety between the alleged creditor and Ms. Thomas. I shall present said evidence with leave of court under seal.
- All of alleged creditor's contention of bad faith is a result of extreme in effective assistance and misdirection of prior counsel. Debtor is now forced to proceed as

pro se and will require time to study and comply with the required rules of procedure.

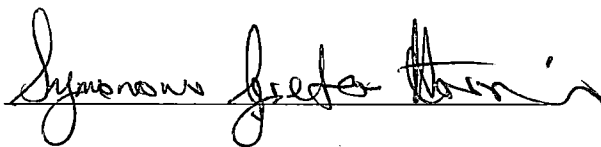
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“Rule 8(f) provides that ‘pleadings shall be so construed as to do substantial justice.’ We frequently have stated that pro se pleadings are to be given a liberal construction.”

- For the reasons set forth above, the court should deny Movant's motion.  
Alternatively, Debtor should be allowed to continue. All rights explicitly reserved without prejudice including the right to move for extension of time inter alia and thus said is asserted.

Dated: 11/29/17

Respectfully presented,



Symonous Greta Harris

1782 Nostrand Avenue  
Brooklyn, New York 11226  
(347) 998-7098

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

SYMONOUS GRETA HARRIS

Debtor,  
-----X

**MEMORANDUM OF DECLARATION OF TRUST**

**DECLARATION OF TRUST**

BY

Harris: Symonous, Greta as Grantor Trustor of the SYMONOUS GRETA HARRIS  
Bankruptcy Estate.

THIS DECLARATION OF TRUST was made by Harris: Symonous, Greta DBA  
SYMONOUS GRETA HARRIS of SYMONOUS GRETA HARRIS Bankruptcy Estate;  
and acting herein both as the "Grantor" and as the "Beneficiary/Creditor." The United  
States Trustee is declared the trustee under the United States Trustee Program and  
appropriate successor private estate trustees in the management and related administrative  
functions. As per the Bankruptcy Reform Act of 1978 (11 U.S.C. § 101, et seq.) and the  
bankruptcy administrator program of 1986 established Congress. All accepted without  
prejudice rebutting all presumption of law.

**WITNESSETH:**

**WHEREAS**, that on August 16, 2017 I created a trust of certain property(s) for the benefit of myself, SYMONOUS GRETA HARRIS and others, such property being described in Schedule A attached hereto aka as 1782 Nostrand Avenue, Brooklyn New York and 191 Utica Ave, Brooklyn, New York and having been delivered this date to me as Trustee of the trust created hereunder; and,

**WHEREAS**, I or another person or persons may wish to add other property to the trust at a later date by gift, devise or by depositing such other property with me, as Trustee, or with any successor Trustee or Trustees; and,

**WHEREAS**, I am willing to perform the duties of Trustee in accordance with the terms and conditions and within the powers and limitations hereinafter set forth in the trust instrument aka as a " Voluntary Petition " attached herein as schedule "B"

**NOW, THEREFORE**, I agree to hold such property and any other property acceptable to me that any other person or persons may add to the trust by will or otherwise, all of which is hereinafter referred to as the "trust property," and to manage, invest and reinvest the same in trust for the following uses and purposes:

Governing Law. This instrument shall be construed and regulated in all respects by the laws of the State of New York under the EPTL; the Attorney General as Nominee/trustee and appointer of successor trustee. Private estate trustees, without prejudice, The bankruptcy administrator program of 1986 without prejudice, the U.S. trustee program in


the Department of Justice without prejudice, the Bankruptcy Reform Act of 1978 (11 U.S.C. § 101, et seq.) without prejudice, in part The Executive Office for U.S. Trustees without prejudice (, See 28 U.S.C. §§ 581-589a.)without prejudice, at 28 U.S.C. § 581, without prejudice, as funded by the United States Trustee System Fund consisting of fees which I paid invoking Federal bankruptcy protection.

This Trust shall be effective as of the date said instrument ( Voluntary Petition) instrument was filed

Signed and delivered in the presence of:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Witness

  
Harris: Symonous, Greta as **Grantor**/ Beneficiary of the **SYMONOUS GRETA HARRIS** Bankruptcy Estate.

STATE OF NEW YORK )

) ss.  
COUNTY OF Kings

This 29<sup>th</sup> day of November, 2017.

Personally appeared John B. Doe, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same, both as Grantor and as Trustee, for the purposes therein contained.